

## **REMARKS**

Claims 1 through 3, 7, 9 through 13, and 15 through 20 are now pending in the application. Claims 7, 9, 12, 13, 15, and 17 are herein amended. Claims 8, 14 and 21 through 23 are herein canceled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1 through 3, 7, 10 through 13, 19 and 21 through 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over admitted prior art (Figs. 1-2B) in view of Yamada (Japanese Utility Model No. 1-162847). This rejection is respectfully traversed.

Claim 1 recites the limitation “said reference protrusion being formed in a rectangular cross-section defining a pair of lateral sides, each of which extends in a lateral direction transverse to said longitudinal direction and has a length greater than that of each lateral side of said clips extending in said lateral direction”.

As noted by the Examiner, Applicant’s Figures 1-2B do not teach a reference protrusion. The Examiner therefore relies on the teachings of Yamada for the reference protrusion. Yamada, however, teaches the use of the same part, clip 17, for the first clip and as numbered in the attached Figure of Yamada and as noted by the Examiner in the attached sketch to the office action, for the reference protrusion. Yamada does not specifically identify that clip 17 is used at the position identified by the Examiner as the second clip, however, assuming *arguendo* that clip 17 is used in each of the three locations, clip 17 would be required to be oriented the same in both the first and second clip locations based on the corresponding apertures 18 which they would engage with.

By using the same clip 17 for each of the three locations, the limitation that said reference protrusion includes sides each of which extends in a lateral direction transverse to said longitudinal direction and has a length greater than that of each lateral side of said clips extending in said lateral direction cannot be met. Yamada clearly orients the first clip 17 at a 90 degree rotated position with respect to the clip 17 identified at the “reference protrusion” location and the difference is further visible and required by the orientation of apertures 18 and 19. Because the same clip is used for each location, the width of the clip cannot vary from one location to another. The width or “lateral side” of clip 17 used at the first (or second) clip location must therefore be equal to the width or “length” of reference protrusion clip 17 in the lateral direction of the foot rest.

The suggested modification of Applicant's Figures 1-2B and Yamada therefore cannot render Claim 1 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) final rejection of Claim 1. Because Claims 2 and 3 depend from Claim 1, the suggested modification of Applicant's Figures 1-2B and Yamada therefore cannot render either of Claims 2 or 3 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) final rejection of Claims 2 and 3.

It is initially noted Claim 7 has been amended to include the subject matter of allowable Claim 8 and Claim 8 has been canceled, therefore Claim 7 should be in condition for allowance. Because Claims 10 through 12 depend from Claim 7, Claims 10 through 12 should also now be in condition for allowance. The Examiner is

respectfully requested to withdraw the 35 U.S.C. § 103(a) final rejection of Claims 7 and 10 through 12.

It is further initially noted Claim 13 has been amended to include the subject matter of allowable Claim 14 and Claim 14 has been canceled, therefore Claim 13 should be in condition for allowance. Because Claim 19 depends from Claim 13, Claim 19 should also now be in condition for allowance. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) final rejection of Claims 13 and 19.

Claims 21 through 23 are herein canceled, rendering the 35 U.S.C. § 103(a) rejection of these Claims moot.

Claims 1 through 3, 7, 10 through 13, 19 and 21 through 23 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 through 3 of Kato (U.S. Pat. No. 6,910,724) in view of Yamada (Japanese Utility Model No. 1-162847). This rejection is respectfully traversed.

Kato, like Applicant's Figures 1-2B noted herein, does not teach or suggest a reference protrusion. None of Claims 1-3 of Kato recite the limitation of a reference protrusion at an intermediate position between said pair of clips in said longitudinal direction, or that said reference protrusion has a length greater than that of each lateral side of said clips extending in said lateral direction. As noted above, the Claim 1 limitation that said reference protrusion has a length greater than that of each lateral side of said clips extending in said lateral direction cannot be met by Yamada, and therefore cannot be met by Claims 1-3 of Kato taken with Yamada, either separately or in combination.

Claim 1, as well as Claims 2 and 3 are therefore not anticipated by or obvious over Claims 1-3 of Kato, either separately of or in combination with Yamada. The Examiner is therefore respectfully requested to withdraw the nonstatutory obviousness-type double patenting rejection of Claim 1 as well as Claims 2 and 3 which depend from Claim 1.

For the same reasons as noted above, Kato taken either alone or in combination with Yamada cannot form the basis for a nonstatutory obviousness-type double patenting rejection of amended Claims 7 or 13, which have been amended as noted herein to include allowable subject matter of dependent Claims 8 and 14 respectively. The Examiner is therefore respectfully requested to withdraw the nonstatutory obviousness-type double patenting rejection of Claims 7 and 13, as well as Claims 10-12 which depend from Claim 7, and Claim 19 which depends from Claim 13.

Claims 21 through 23 are herein canceled, rendering the nonstatutory obviousness-type double patenting rejection of these Claims moot.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that Claims 8, 9, 14 through 18, and 20 would be allowable if rewritten in independent form. As noted herein, Applicant has amended Claims 7 and 13 to include the limitations of allowable dependent claim(s) 8 and 14 and canceled dependent Claims 8 and 14. Claim 17 has been rewritten in independent form. Claim 9 has been amended to correct its dependency to Claim 7 and Claim 12 has been editorially amended to replace the semicolon with a period. Claim 15 has been amended to correct its dependency to Claim 13. Therefore, each of Claims 7, 9 (which depends from Claim

7), 12, 13, 15 and 16 (which both depend from Claim 13), 17 and 18 (which depends from Claim 17) should now be in condition for allowance.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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